THE HON'BLE MR. JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.3307 of 2006

Date:10.12.2007

Between:
Smt.Haleema Begum

...
Petitioner

AND
The Government of Andhra Pradesh, represented
By its Prl. Secretary, Municipal Administration,
Secretariat Buildings, Hyderabad and three others.

... Respondents

Counsel for the petitioner: Sri T.Sharath..

Counsel for the respondents: G.P. for Municipal Administration
&
Urban Development for R.1.

Ganta Rama Rao for R.2 &
R.3.

Asst. Govt. Pleader for Land
Acquisition for
R.4

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THE HONOURABLE MR.JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.3307 2006

ORDER:-

This Writ Petition is filed for a Writ of Mandamus to direct the respondents to allot alternative site to the petitioner in pursuance of representations dated 24-9-2004 and 9-1-2006 submitted by her.

The petitioner is the owner of 34 Sq. yards of land comprised in MCH No.10-3-268 situated at Humayunnagar, opposite Sarojinidevi Eye Hospital, Hyderabad. She was running kirana and general stores in the said premises and the said property was acquired vide notification dated 27-5-2003 for the purpose of widening the road. The petitioner claims to have made representations on 24-9-2004 and 9-1-2006 to respondent No.2 (presently Greater Hyderabad Municipal Corporation) for allotment of alternative site to her, in lieu of payment of compensation. As the petitioner was awaiting favourable response from respondent No.2, she has not received the compensation.

At the hearing, Sri Sharath, learned counsel for the petitioner, fairly conceded that the provisions of the Land Acquisition Act, 1894 (for short “the Act”) do not envisage allotment of alternative land in lieu of payment of compensation except in the case of a person having a limited interest on the land under Section 31(3) of the Act and that the petitioner’s case does not fall within the ambit of the said provision. He, however, submitted that since, in respect of other similarly

situated persons, respondent No.2-Corporation allotted alternative sites in lieu of compensation, the petitioner made the said representations for allotment of alternative site. He says that the petitioner will be satisfied if the Writ Petition is disposed of with a direction to respondent No.2 to consider her representations.

In view of the fair submission of the learned counsel for the petitioner, the Writ Petition is disposed of directing respondent No.2 to consider and dispose of the petitioner's representations dated 24-9-2004 and 9-1-2006, if already received by him, within a period of four weeks from the date of receipt of a copy of this order. In the event, the petitioner's representations are rejected, she is at liberty to receive the compensation.

Subject to the above observation, the Writ Petition is disposed of.

C.V.NAGARJUNA REDDY,J
10-12-2007
MNR